

**HOUSE BILL No. 2559**

By Committee on Appropriations

1-27

1 AN ACT concerning state agencies; relating to minimum staffing  
2 requirements.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Each state agency shall draft and implement a staffing  
6 plan which:

7 (1) Provides for adequate, appropriate and high-quality delivery of  
8 public services;

9 (2) promotes public safety;

10 (3) allows safe operation of each state agency or facility and provides  
11 necessary staff resources to respond to emergency situations in patient care  
12 or inmate environments; and

13 (4) establishes a minimum staffing level necessary to maintain safe  
14 operations at each state agency or facility.

15 (b) Each staffing plan shall identify how the minimum staffing level  
16 was determined and include details regarding all risks of falling below the  
17 minimum staffing level. Each facility head, division director, department  
18 director or regional director, as appropriate, shall be responsible for  
19 compliance with the staffing plan and maintaining the minimum staffing  
20 level for each facility, division, department or state agency under their  
21 authority. Each state agency secretary is responsible for requesting and  
22 allocating sufficient funds to maintain staffing at the minimum level or  
23 above the minimum level.

24 (c) All staffing plans required by subsection (a) shall be created and  
25 implemented no later than July 1, 2017. Staffing plans shall be considered  
26 public records and shall be available to the public upon request.

27 (d) Upon implementation of the staffing plan, monthly staffing level  
28 reports showing actual staffing levels in relation to minimum staffing  
29 levels shall be written by each state agency.

30 (1) Staffing level reports shall reflect current actual staffing, by day  
31 and by shift, rather than staffing averages over a period of time.

32 (2) Any employees required to work mandatory overtime shall not be  
33 considered when calculating whether a shift is meeting its minimum  
34 staffing level.

35 (3) For positions requiring particular training or certifications, only  
36 employees holding the required training or certifications shall be

1 considered when calculating the staffing level. Employees from  
2 subordinate positions without the required training or certification shall not  
3 be considered as filling a position.

4 (4) Staffing level reports shall be available to state employees, the  
5 department of administration, the governor, the president of the senate, the  
6 senate minority leader, the speaker of the house of representatives and the  
7 house minority leader. Such reports shall also be posted monthly on the  
8 website of the department of administration.

9 (e) (1) Any state agency or facility failing to maintain its minimum  
10 staffing level for two or more consecutive months is required to complete  
11 and implement a recruitment and retention plan within 15 days of the end  
12 of the second month of failing to maintain its minimum staffing level. The  
13 plan shall be provided to state employees, the department of  
14 administration, the governor, the president of the senate, the senate  
15 minority leader, the speaker of the house of representatives and the house  
16 minority leader. The state agency's subsequent monthly reports shall  
17 include a section describing the state agency's progress in detail under the  
18 recruitment and retention plan.

19 (2) Any state agency or facility failing to maintain its minimum  
20 staffing level for three or more consecutive months shall issue a press  
21 release on the website of the governor notifying citizens of the  
22 understaffing and any public health and safety risks created by the  
23 understaffing.

24 (3) Any state agency or facility failing to maintain its minimum  
25 staffing level for six or more consecutive months shall petition the national  
26 institute for occupational safety and health (NIOSH) to perform a safety  
27 inspection of the facility. The state agency shall cooperate fully with the  
28 inspection and allow NIOSH inspectors full access to facilities, records  
29 and employees. Such inspection findings and results shall be released to  
30 employees, the department of administration, the governor, the president  
31 of the senate, the senate minority leader, the speaker of the house of  
32 representatives and the house minority leader, along with the state agency  
33 plan to address any safety issues or deficiencies discovered in the NIOSH  
34 findings. Such state agency plan shall also be posted on the website of the  
35 department of administration.

36 (f) For the purposes of this section:

37 (1) "State agency" means any executive branch state agency; and

38 (2) "facility" means any hospital, prison, correctional facility or any  
39 other building under the control of any executive branch state agency.

40 Sec. 2. This act shall take effect and be in force from and after its  
41 publication in the statute book.